

REMARKS/ARGUMENTS

The Office Action mailed October 7, 2003 has been reviewed and carefully considered. Claims 1 and 5 have been amended. Claims 1-9 are pending in this application, with claims 1 and 5 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

In the Office Action mailed October 7, 2003, claims 1, 2, 5, 6, and 7 stand rejected under 35 U.S.C. §102(e) as anticipated by U.S. Patent No. 5,995,848 (Nguyen).

Claims 3 and 8 stand rejected under 35 U.S.C. §103 as unpatentable over Nguyen in view of WO 97/19548 (Merchant).

Claims 4 and 9 stand rejected under 35 U.S.C. §103 as unpatentable over Nguyen in view of U.S. Patent No. 5,966,660 (Jonsson).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief summary of the present invention is appropriate. The present invention relates to a method and system for setting up a telecommunication connection between an A-party located in a first country and a B-party located in a second country while avoiding the problem of unequal, direction dependent charges for inter-country calls (see page 2, lines 8-20, and page 4, lines 3-5 of the specification). According to the inventive method, the A-party sends a call setup message from the A-party's telecommunication terminal to a telecommunication server connected to the mobile subscriber network, wherein the telecommunication server includes means for handling calls and messages (see page 4, lines 9-15, and page 7, lines 9-14). The telecommunication server identifies the B-party from the call setup message and sets up a first call to the A-party and a second call to the B-party (page 4, lines 15-17, and page 7, line 20 to page 8, line 1). The telecommunication server then connects the two calls to establish a telecommunication connection

between the A-party and the B-party so that a communication connection or call is established from the B-party to the A-party (page 4, lines 17-18, and page 8, lines 1-2).

Each of the independent claims 1 and 5 recites that a telecommunication connection is established from the B-party telecommunication terminal to the A-party telecommunication terminal based on a call setup message received from the A-party. Furthermore, each of the independent claims 1 and 5 recites that the call setup message is sent without establishing a telecommunication connection (i.e., without establishing a call). This allows the A-party to send a request for a call setup without incurring costs for establishing a call.

Nguyen discloses a method and system for completing calls to a busy mobile subscriber in which a caller is provided with an opportunity to request call completion upon detection of a busy signal. According to Nguyen, the caller may be calling from a public switched telephone network (PSTN) (Figs. 2, 4A-4B, and 7A-7C) or may be calling from another mobile phone (Figs. 5, 6A-6B, and 8A-8C). The steps of invoking call completion are similar in each embodiment. Since the Office Action refers to sections of Nguyen related to the embodiment in which the caller is using a mobile phone, we will also refer to that embodiment. Fig. 5 shows that a caller (A-party) (MS 151) and a mobile subscriber to be called (B-party) are both outside of their home service area 35. The caller is connected to a visiting mobile switching center (A) (V-MSC(A)) and the called party is connected to another V-MSC(B). Each of V-MSC(A) and V-MSC(B) are connected to a gateway mobile switching center G-MSC in the home service area 35.

When the caller makes a call to the called mobile subscriber 46, V-MSC(A) and V-MSC(B) are each connected to the gateway mobile switching center (G-MSC) by trunk lines (see Fig. 5 and col. 11, lines 10-50). If the called mobile subscriber is not busy, the call goes

through (col. 11, line 52-54). If the called mobile subscriber is busy, the caller is informed and is given the choice of requesting call completion through automatic call back service (col. 11, lines 54-59). If the caller requests call completion, the request is sent to the G-MSC and to a service control point (SCP) (col. 11, line 65 to col. 12, line 4). The SCP releases the trunk lines and periodically initiates a call attempt to the called mobile subscriber (col. 12, lines 5-7). When the called mobile subscriber is no longer busy, G-MSC establishes a trunk from G-MSC to the V-MSC(B) (col. 12, lines 20-23). If the called party answers, the called party is instructed to wait for a call completion and the SCP then calls the A-number, i.e., the caller (col. 12, lines 36-40). After connection to the caller is established, the SCP commands that the two trunks be connected (col. 12, lines 43-46). There is no disclosure, express or implied, in Nguyen that the resulting call established between the A-party (caller) and the B-party (called party) will be established from the B-party to the A-party, as expressly recited in independent claims 1 and 5. The normal convention is that a call is established from the A-party which initiates to the call to the B-party which receives the call.

Nguyen also fails to disclose that the call setup message is sent from the caller to the telecommunication server without establishing a telecommunication connection. As described above, Nguyen discloses that trunks (i.e., telecommunication connections) are established between the V-MSCs and the G-MSC when an attempt is made by the caller to contact the called party. When it is determined that the called party is busy, the call completion request is sent via these trunks (col. 11, lines 65-66). Therefore, Nguyen requires a telecommunication connection to send the call completion request. This fails to disclose sending a call setup message without establishing a telecommunication connection, as expressly recited

in amended independent claims 1 and 5. For all of the above reasons, it is respectfully submitted that independent claims 1 and 5 are not anticipated by Nguyen under 35 U.S.C. §102.

Independent claims 1 and 5 are also not obvious over Nguyen because Nguyen also fails to teach or suggest that the call setup message is sent from the caller to the telecommunication server without establishing a telecommunication connection. Nguyen is directed to a specific situation in which a call completion function can be invoked when the called party is busy. The call setup message recited in the presently claimed invention is applicable regardless of the status of the called party. Since Nguyen only sends a call completion message after it is determined that a called party is busy, there is no motivation for sending a call setup message without establishing a telecommunication connection, as recited in independent claims 1 and 5. In view of the above remarks, it is respectfully submitted that independent claims 1 and 5 are not obvious over Nguyen under 35 U.S.C. §103.

Merchant discloses a reverse call origination scheme (see page 5, lines 6-15). However, Merchant discloses that a call setup message is sent using a non-signaling network such as the Internet and that the call is subsequently made using the signaling network (see page 5, lines 16-23, and Figs. 1 and 2). Independent claims 1 and 5 have been amended to specifically recite that the call setup signal is sent using the switched telecommunication network. Since Merchant requires the use of a non-signaling network, such as the Internet, to send the call setup message, Merchant teaches away from sending the call setup message using a switched telecommunication network, as recited in independent claims 1 and 5. Accordingly, it is respectfully submitted that independent claims 1 and 5 are allowable over Nguyen in view of Merchant.

Jonsson relates to the effectuation of a call connection through a manual switchboard within a telecommunication network. Jonsson requires that a caller initiate an outgoing call (see col. 3, lines 54-57) to invoke the call setup function. Since neither Nguyen nor Jonsson teach or suggest that the call setup message is sent without establishing a telecommunication connection, it is respectfully submitted that independent claims 1 and 5 are also allowable over Nguyen in view of Jonsson.

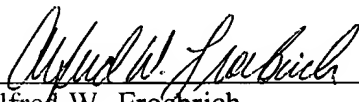
Dependent claims 2-4 and 6-11, each being dependent on at least one of independent claims 1 and 5, are deemed allowable for the same reasons expressed above with respect to independent claims 1 and 5.

The application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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